



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BOOK REVIEWS

The Police Power: Public Policy and Constitutional Rights. By ERNST FREUND. Chicago: Callaghan & Co., 1904. 8vo, pp. xcii + 819.

Professor Freund's definition of "police power" is so broad that his book contains a large amount of material which would not be expected by a practicing lawyer to be found there. It combines unusually well, however, two good qualities: first, an intelligent analysis of the reasoning upon which the precedents are based; and, second, the author's independent criticism when he does not approve of the reasoning. Some otherwise useful recent books abstain, as a rule, from expressing any independent judgment as to what the law should be, while endeavoring accurately to set forth the opinions of the judges upon the subject. The author has done well in adopting the other course. While any given point may presumably best be elucidated after it has been fully argued by competent counsel on both sides and passed through the sifting process of two or three judicial examinations, yet the overcrowded calendars of the courts in our principal states often prevent the receipt by any given case of the consideration which it deserves. The independent work of the text-writer is thus of increasing importance, not only to the legislator, but also wherever questions may be under consideration in courts not already committed upon them. This is especially true as to the class of questions which are the subject of this book. They are largely social or political in nature, and therefore of the kind as to which judicial unanimity can be the least expected. They are questions as to which the judicial point of view is the most likely to alter from generation to generation. The judges of the highest courts average at least a generation older than the legislative leaders, who are apt to be in what Dr. Osler considers the creative period of life. What they create is apt to appear unconstitutional to the senior generation, although they may continue to consider it natural and proper when they themselves have reached the dignity of the bench. Thus the reasoning of one judicial generation comes into conflict with that of the next, while the law of any given state upon a given point is apt

to be determined by the epoch at which the leading case chances to come up.

Professor Freund's work is also valuable from the fact that it is not confined to an examination of court decisions, but refers freely to developments of the law which are evidenced by statutes and ordinances as yet unconstrued. He also throws useful sidelights upon our home problems by citing the laws, past and present, of European countries; and even discusses issues that have been raised abroad, but have not yet appeared among us.

The arrangement of the subject is interesting and carefully thought out. To a practicing lawyer this is a matter of minor importance, and he is not likely to spend much time in considering whether the arrangement is logically accurate. On the contrary, he is apt to come more and more to the conclusion that the relations of legal propositions are so complex that they are not capable of satisfactory arrangement, and that the only important desideratum in the arrangement of a textbook is that it shall include all that he wants to find out about the subject. So far as I have missed finding anything in the present book, the omission has been where the book goes outside of the limits of the police power, as that term is understood in its stricter sense, as, for instance, where it discusses the federal statute-book, which is based upon other powers, enumerated in the federal constitution or implied therefrom.

EDWARD B. WHITNEY.

Industrial Organization in the Sixteenth and Seventeenth Centuries. By GEORGE UNWIN. Oxford: Clarendon Press, 1904. 8vo, pp. vii + 277.

This book, a well-reasoned account of the various forms of industrial organization from the period of the mediæval craft guild to the beginnings of the modern trade union, is a substantial contribution to the economic history of England. The first half of the book, which is based on printed sources, contains many proofs and illustrations from continental conditions; the latter half, which is based on manuscript material, deals almost exclusively with England. Appendixes contain a "List of Manuscript Sources for the History of the Industrial Companies of London during the Sixteenth and Seventeenth Centuries," and extracts from some of these sources. The author shows unusual power in the interpretation of his